

Appl. No. 10/088,808
Amdt. dated 11/22/2005
Reply to Office Action of 8/24/2005

REMARKS/ARGUMENTS

This application has been carefully reviewed in light of the Non-Final Office Action dated August 24, 2005. By way of this amendment, claims 19-25, 33, and 34 have been cancelled. Claim 26 has been amended to correct a spelling error. Claims 12-18 and 26-32 are currently pending in the application. Further review is requested in light of the following remarks.

Claim 34 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 19, 23, 24, and 33 have been rejected under 35 U.S.C. §102(b) as being anticipated by Steele et al. (WO 94/10233). Claims 20 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Steele et al. as applied in paragraph 3, and further in view of Crouch (2,686,171). Claims 22 and 34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Steele et. al., as applied in paragraph 3, and further in view of Czarniecki et al. (4,857,301). Claim 25 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Steele et al., as applied in paragraph 3, and further in view of Wellinghoff et al. (6,046,243).

Claims 19-25, 33, and 34 have been cancelled, thus, the rejections are moot.

Claims 12, 14, 16, and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Illouze (3,502,485). Claim 13 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Illouze, as applied in paragraph 2. Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Illouze, as applied in paragraph 2,

Appl. No. 10/088,808
Amdt. dated 11/22/2005
Reply to Office Action of 8/24/2005

and further in view of Czarniecki et al. Claim 18 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Illouze, as applied in paragraph 2, and further in view of Wellinghoff et al. These rejections are respectfully traversed.

Independent claim 12 recites a sterilizing composition including a sulphur dioxide liberating compound, an organic acid, and a corresponding salt of that same organic acid. The Examiner has pointed to column 3, lines 63-70 and lines 71-75 of Illouze as teaching a water-soluble organic acid and a corresponding water soluble salt of the organic acid. The applicant respectfully disagrees with the Examiner.

Lines 63-70 of Illouze describe a list of acids which may be used as auxiliary agents. Many of these acids are water-soluble organic acids. Lines 72-75 teach that the "above acids could be used alone or in various combinations, such as in the form of salts of alkali or alkali-earth metals, preferably sodium, potassium or calcium salts." It is respectfully submitted that lines 72-75 do not state that each of the organic acids listed in lines 65-70, or its derivative, could be combined with a salt as a separate compound, let alone the corresponding salt of the same organic acid used. Rather, it is submitted that the language can only be interpreted as stating that the combination of the above acids is simply a combination of the acid with another compound to form the alkali or alkali-earth metal salt. Thus, a combination as described in Illouze does not mean a mixture of an acid and another chemical in the same composition, but means a combination of the acid with something to form the acid-derivative.

Additionally, there is no teaching in Illouze of providing an organic acid and its own

Appl. No. 10/088,808
Amdt. dated 11/22/2005
Reply to Office Action of 8/24/2005

corresponding salt. Further, there is no teaching in Illouze of providing a sterilizing composition which includes all three ingredients of sulphur dioxide liberating compound, a water-soluble organic acid and its own corresponding salt. The acids used in Illouze are simply the auxiliary ingredients which retard sulphur dioxide liberation, and are minor ingredients of the composition. Conversely, the water-soluble organic acid and its corresponding salt used in the present invention is an essential part of the compound, due to its intended use in an airspace in a sanitary bin, diaper bin or medical waste bin. Accordingly, the rejection should be withdrawn.

Claims 13-18 depend from independent claim 12, and are thus believed to be allowable for the reasons stated above.

Claims 26-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Illouze in view of Czarniecki et al. Claim 32 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Illouze in view of Czarniecki et al., as applied above in paragraph 10, and further in view of Wellinghoff et al. These rejections are respectfully traversed.

Independent claim 26 recites a method comprising the step of providing a sterilizing composition comprising a sulphur dioxide activating compound, a water-soluble organic acid, and a corresponding water soluble salt of that same organic acid. As discussed above, there is no teaching in Illouze of providing an organic acid and its own corresponding salt. Further, there is no teaching in Illouze of providing a sterilizing composition which includes all three ingredients of sulphur dioxide liberating compound,

Appl. No. 10/088,808
Amdt. dated 11/22/2005
Reply to Office Action of 8/24/2005

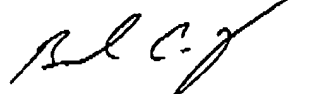
a water-soluble organic acid and its own corresponding salt. The acids used in Illouze are simply the auxiliary ingredients which retard sulphur dioxide liberation, and are minor ingredients of the composition.

Additionally, Czarniecki et al. does not teach the step of providing a sterilizing composition comprising a sulphur dioxide activating compound, a water-soluble organic acid, and a corresponding water soluble salt of that same organic acid. Thus, claim 26 is not rendered obvious by the combination of Illouze and Czarniecki et al.

Claims 27-32 depend from independent claim 26, and are thus believed to be allowable for the reasons stated above.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 12-18 and 26-32 at an early date is solicited.

Respectfully submitted,



Brandon C. Trego
Attorney for Applicant
Reg. No. 53,702

Brandon C. Trego
ADAMS EVANS P.A.
2180 Two Wachovia Center
Charlotte, North Carolina 28282
Tel. 704-375-9249
Fax: 704-375-0729
e-mail: bct@adamspat.com

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to Fax No. (703) 872-9308 on 11/22/05

Myra P. Howell 11/22/05
Myra P. Howell Date of Signature